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*Attorneys for Defendants*

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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LOUIS BARRY RUTLEDGE, x  
:  
Plaintiff, :  
:  
-against- : INDEX NO. 07 CV 11267 (JGK)  
:  
TRANSITCENTER, INC. and LARRY :  
FILLER, : **NOTICE OF MOTION**  
:  
Defendants. :  
:  
:  
:  
x  
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PLEASE TAKE NOTICE, that upon the summons and complaint filed in this action, the Affidavit of Samantha E. Beltre, sworn to February 22, 2008, and the exhibit thereto, the Memorandum of Law in Support of Motion to Dismiss the Complaint Against Individual Defendant Larry Filler, and upon all prior pleadings and proceedings had herein, defendant Larry Filler will move this Court before the Hon. John G. Koeltl at the U.S. Courthouse located at 500 Pearl Street, New York, New York, on the 24<sup>th</sup> day of March, 2008, at 9:30 a.m. or as soon thereafter as counsel may be heard for an Order, pursuant to Rule 12(b)(6) of the Federal Rules

of Civil Procedure, dismissing the complaint against defendant Larry Filler on the ground that the complaint fails to state a claim against him upon which relief may be granted.

Dated: February 22, 2008  
New York, New York

Respectfully submitted,

By:   
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